

## R E M A R K S

An Office Action was mailed on October 29, 2003. Claims 1 - 16 are pending in the present application. With this response, Applicant amends claims 1 – 3, 5, 6, and 11 - 16. No new matter is introduced. Support may be found, for example, in Applicants' specification at page 16, lines 5 – 25, page 19, lines 9 – 13, and page 22, line 5 through page 27, line 13.

### OBJECTION TO CLAIMS

Claims 1 – 3 and 11 – 16 are objected to for a variety of informalities. Applicants thank the Examiner for suggesting claim amendments to overcome these objections, and amend claims 1 – 3 and 11 – 16 substantially as suggested. Accordingly, Applicants respectfully request that this objection be withdrawn.

### REJECTION UNDER 35 U.S.C. § 103

Claims 1 – 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,305,131 to Best. Applicants amend claims 1 – 3, 5, 6, and 11 - 16 to further clarify the nature of their invention, and respectfully traverse this rejection.

Best discloses a video amusement system that includes branch points to provide for the selection of alternate sequences in a movie (see, e.g., column 7, lines 45 – 49 of Best). The system is capable of indicating to the user that a choice is available, either directly or for player inference (see, e.g., column 9, lines 62 – 67), and of indicating that a player response is expected (see, e.g., column 10, lines 7 – 8). The system of Best provides both for player selection of a branch point, as well as random choices elected by the system without player intervention (see, e.g., column 10, lines 9 – 13).

In independent claims 1, 11, 12 and 14 – 16, Applicants disclose a method, apparatus and medium recording a computer program for branching in a video game according to a player's instruction. In Applicants' disclosed method, branch points are not directly revealed to a player. Instead, the player is provided with means to search for what is in effect a hidden branch point.

If the player's search request is initiated within a predetermined time before a branch point is reached in a story sequence, the branch is executed in accordance with the player's instructions (see, e.g., Applicants' FIG. 6). If a branch point is not reached within the predetermined time, the player may be assigned, for example, a negative branch point which influences that availability and nature of future branch points. If a search is not initiated prior to the arrival of a branch point, a notification signal indicating that the branch point passed over is presented to the player, and a negative branch point may also be assigned.

In sharp contrast to Applicants' claimed invention, Best fails to disclose a method in which election of a branch requires initiation of a search request by the player prior to the arrival of the branch point. Rather, in the method disclosed by Best, an explicit (or implicit) indicator of a branch point is provided first to the player to stimulate that player's election of the branch. Moreover, unlike Applicants' claimed invention, Best fails to suggest or disclose a method that determines a branch destination on the basis of a success or failure of determining whether a branch point exists during a predetermined period of time after issuing a branch point search instructing input to initiate a branch point search.

In addition, with reference to Applicants' claim 11, Best fails to suggest or disclose a branch point selected by a player for which a branch destination is determined

in accordance with a predetermined variant value. With reference to Applicants' claim 12, Best fails to suggest or disclose generating a notification signal when a branch point has been passed as unselected by the player.

Accordingly, Applicants respectfully submit that independent claims 1, 11, 12 and 14 – 16 are not anticipated by Best, and are therefore allowable. As claims 2 – 10 and 13 each depend from one of allowable claims 1 and 12, Applicants further submit that claims 2 – 10 and 13 are allowable for at least this reason.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-16, consisting of independent claims 1, 11, 12 and 14 – 16, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he or she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
\_\_\_\_\_  
Thomas J. Bean  
Reg. No. 44,528

### **CUSTOMER NUMBER 026304**

KMZ ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NEW YORK 10022-2585  
PHONE: (212) 940-8800/FAX: (212) 940-8776  
DOCKET No.: SCEY 19.175 (100809-00089)